



Staff Report

PUBLIC HEARING TO CONSIDER ADOPTION OF A CONCEPTUAL DEVELOPMENT PLAN (CDP) AND REZONE TO ESTABLISH A PLANNED DEVELOPMENT (PD) ZONING DISTRICT, AND TENTATIVE SUBDIVISION MAP FOR A MIXED-USE DEVELOPMENT (COMMERCIAL/RESIDENTIAL) AT 1300 EL CAMINO REAL – APPLICATION NO. 2006-0012

Honorable Mayor and Councilmembers:

Summary/Background

At the April 10, 2007 Redevelopment Agency meeting, the agency reviewed a proposal to construct a new 22,983 square-foot three-story mixed use structure on a vacant 8,563 square-foot lot. The proposed building includes a sub-grade basement level containing 12 parking spaces and storage area, a ground floor containing two commercial units, and second and third floors containing six residential units.

The project necessitated consideration and adoption of a Rezoning of the property to a Planned Development District (PD) via establishment of a Conceptual Development Plan (CDP). A Tentative Subdivision Map, and Mitigated Negative Declaration (i.e. the environmental assessment) was required for the project. At that April 10, 2007 meeting, the Agency approved a Resolution adopting the Mitigated Negative Declaration, and an Ordinance regarding the Rezoning, Conceptual Development Plan, and Tentative Subdivision Map. A second reading of such Ordinance was completed at the May 8, 2007 Agency meeting.

The request before the Agency on 4/10/07 was appropriate for their review and approval of the project, and the associated environmental assessment. However, the Agency did not have the authority to take the concluding legislative action (i.e. the Rezoning to Planned Development & establishment of the Conceptual Development Plan), that was necessary for the project.

The public noticing, and City Council consideration of adoption of the associated Ordinance to Rezone the site to Planned Development and establish a Conceptual Development Plan for the project will address the correct legislative action needed for the project. No changes to the current project are proposed as part of this action.

Based on the analysis of the required entitlements for the project, staff recommends the City Council take the following action:

1. Adopt an Ordinance approving the Conceptual Development Plan (CDP) and Rezoning of the subject site to Planned Development (PD) and Tentative Subdivision Map for the project.

The Planning Commission will be required to subsequently review a Conditional Use Permit to establish a Detailed Development Plan (DDP), Design Review, and Grading Plan for the project, predicated upon Council approval of Item #1 listed above.

General Plan/Vision Statement

Not applicable as part of this action. Previously addressed as part of Redevelopment Agency review and approval of the project on April 10, 2007.

Fiscal Impact

None at this time. However, this will be more appropriately determined upon approval/denial of project relating to mitigation measures, in-lieu fees, or other project exactions in concert with appropriate review of the project.

Public Contact

1. For Rezoning and Conceptual Development Plan (CDP) actions to establish a Planned Development Zoning District, the City Council is required to hold a public meeting as per Section 16.7 (Amendments) of the BZO. The City placed a public notice display ad in the local newspaper of general circulation (San Mateo Times) for a minimum 10-day period beginning on May 19, 2007, for the scheduled special public hearing by the City Council on May 29, 2007.
2. Notice to the public was mailed in accordance with State law and local ordinance (300 feet of the subject site) and the agenda was posted as required by the California Government Code. The applicant has received a copy of this report.

Recommendation

Staff recommends the City Council take the following action:

1. Adopt an Ordinance approving the Conceptual Development Plan (CDP) and Rezoning of the subject site to Planned Development (PD), and the Tentative Subdivision Map for the project.

Alternatives

1. Take public testimony and continue the hearing, directing any questions to staff for research and response. A staff memorandum would be prepared for consideration at a future hearing.
2. Deny the requested entitlements.
3. Take no action.

Attachments

- I. Ordinance approving the Conceptual Development Plan (CDP) and Rezoning of the subject site to Planned Development (PD), and the Tentative Subdivision Map for the project
- II. Performance Standards – Conceptual Development Plan
- III. March 20, 2007 Planning Commission staff report, adopted Resolutions, and attachments
(Previously Provided to the Agency)
- IV. Negative Declaration & Initial Study - November 2006 with Amendments in March 2007
(Previously Provided to the Agency)
- V. Project Plans and Materials (Previously Provided to the Agency)

Respectfully submitted,

Carlos de Melo
Community Development Director

Jack Crist
City Manager

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PLEASE NOTE: Attachments III through V are not included as part of this document, Please contact the City Clerk at (650) 595-7413 for more information on viewing these attachments.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELMONT
ADOPTING A CONCEPTUAL DEVELOPMENT PLAN, REZONE TO PLANNED
DEVELOPMENT, AND A TENTATIVE SUBDIVISION MAP FOR CONSTRUCTION
OF A MIXED-USE (COMMERCIAL/RESIDENTIAL) BUILDING
AT 1300 EL CAMINO REAL (APPL. NO. 2006-0012)**

WHEREAS, Parviz Kamangar, owner/applicant, requests Conceptual Development Plan, Rezone to Planned Development, and Tentative Subdivision Map approval for construction of a new mixed-use (commercial/residential) building at 1300 El Camino Real; and,

WHEREAS, on May 29, 2007, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the City Council considered public testimony and a staff report on the aforementioned requested entitlements; and,

WHEREAS, on April 10, 2007, the Redevelopment Agency of the City of Belmont found the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). An environmental impact assessment was prepared for the project and the Agency determined that the project would have a less than significant impact; and,

WHEREAS, the City Council hereby adopts the staff report dated May 29, 2007, and the facts contained therein as its own findings of facts; and,

SECTION 1: NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Belmont, after consideration of all testimony and reports, the Council hereby determines that the proposed Rezoning of the subject property to Planned Development (PD) and associated Conceptual Development Plan (CDP) for the proposed mixed-use (commercial/residential) building achieves the objectives of the Zoning Plan and General Plan for the City for the following reasons:

1. The City Council believes the project is consistent with *Downtown Specific Plan Mixed Commercial/Residential Objective 5.3.2.2: Provide opportunities for mixed use development to simultaneously expand the community's tax base, stimulate redevelopment efforts, and address the growing housing needs within the downtown at select locations both north and south of the Village Center.*

The proposed project would provide mixed commercial and residential uses through the construction of a three-story building, encompassing two separate commercial spaces on the ground floor, and two floors for six residential condominium units. Additionally, a sub-grade level would be excavated on the project site to provide 12 parking spaces for future residents. Based upon conceptual development plans submitted to the City, the proposed building would be consistent with the Downtown Specific Plan Mixed Commercial/Residential Objectives.

The proposed project would develop an existing vacant lot with new commercial and residential development, and would support the City's objective to expand its tax base through new commercial activities, stimulate redevelopment efforts by promoting new construction on vacant lands in the downtown, and address the growing housing needs within the downtown

specifically, and the Bay Area in general through the provision of six condominium units within walking distance of major commercial uses and mass transit facilities.

2. The City Council believes the project is consistent with the following policies of *Downtown Specific Plan Mixed Commercial/Residential Section 5.5* as follows:

5.5.1 Location Policy. Mixed commercial/residential districts shall be located to the north and south of the Village Center on the west side of the El Camino Real as shown on the Land Use Map, Figure 5.1.

5.5.2 Permitted Use Policy. The commercial/residential district shall contain a mix of public, retail office, recreational and high density residential uses.

5.5.3 Development Intensity Policy. General commercial uses may be developed to a maximum floor area ratio of 0.5. Residential development may be high density to provide the greatest opportunity for affordable units, and the types of units which may be most desirable for senior citizen housing. Public uses, such as the City Hall, may be developed to a maximum floor area ratio of 1.00. Live/work residential developments are permitted at a maximum density of 30 units per acre and to a maximum floor area ratio of 1.2.

5.5.7 Building Height Policy. The maximum permissible height shall be 3 stories for buildings on the west side of El Camino Real. Maximum heights within Commercial/Residential districts on the east side of El Camino Real shall be 4 stories. Buildings along El Camino Real and Ralston Avenue shall have a maximum 2 story streetwall to maintain and enhance the views of Belmont Hills, consistent with the Building Height Policy 4.5.2 of the Urban Design Element.

5.5.9 Landscaping Policy. Landscaping shall be utilized to enhance the aesthetic environment of the Downtown. Landscaping requirements shall be dependent upon the types of uses proposed in a mixed use district.

The proposed mixed commercial/residential project would be located on southwest corner of the El Camino Real/O'Neill Avenue intersection, consistent with the provisions of Policy 5.5.1. Furthermore, the project proposes commercial and residential land uses that comply with the intention, direction, and spirit of Policies 5.5.2 & 5.5.3. Project plans specify the development of two commercial spaces on the ground floor of the proposed building. Using the Policy's standard of a maximum residential density of 30 units per gross acre, the proposed project's six residential units would be consistent with the residential density prescribed by the Policy.

The proposed mixed-use development meets DTSP Mixed Commercial/Residential Objective 5.5 in that it would create a new opportunity to simultaneously expand the community's tax base, stimulate redevelopment efforts, and address the growing housing needs within the City at a location south of the Village Center.

The proposed mixed use building, with commercial (retail and/or restaurant) on the ground floor and residential dwelling units on the upper floors, would be located in downtown Belmont in the "Firehouse Square" Redevelopment Area which envisions the type of building proposed. The proposed use and building design (Spanish eclectic) would be compatible to other land uses in the general neighborhood. The location is served by a state highway and local streets, has easy access to mass transit (bus and CalTrain), and is connected to the Village Center and neighboring downtown area by pedestrian friendly sidewalks. On-site parking is adequate for the

residential tenants of the proposed building and ample off-street parking is within walking distance for visitors and customers.

Policy 5.5.7 provides clear direction for building height limitations in commercial/residential districts and parcels along El Camino Real. The project's proposed three-story structure would comply with the policy's provision for a maximum permissible height of three stories for buildings on the west side of El Camino Real.

The guideline for Policy 5.5.9 indicates that mixed commercial/residential projects should provide landscaped open areas equal to 10% of the total gross floor area of the combined uses, or 15% of the gross site area, whichever provides the greatest amount of landscaped open area. Using these directives, the maximum required landscape area would be 10% of the total gross floor area, or 1,284 s.f. of landscape area on the project site. Based on the landscape plans submitted for the project, the landscape design would provide approximately 1,362 s.f. of landscape area, consistent with the requirements of Policy 5.5.9.

3. The City Council finds that the project is consistent with *General Plan Goal 2006.1 - To encourage location of new multiple family housing in relatively flat areas which have good access, service availability and compatible adjacent uses* as follows:.

The proposed development is sited on land that is essentially flat. The site is served by all utility providers and affords adequate ingress/egress and traffic circulation for commercial tenants/customers, residents of the units, and emergency services. The site is in close proximity to both commercial and residential uses which are compatible with the proposed mixed-use project.

4. The City Council finds that the project is consistent with *General Plan Policy 2007.2 - A variety of types and densities of residential uses should be provided to meet the needs of the different lifestyles and incomes of the people who live in the community* as follows:

The proposed development would be compatible with the character of the surrounding neighborhood. In particular, the proposed mixed-use development will be consistent in relation to traffic generation, parking, and noise associated with existing uses in the area. The site location is close to both public transportation and commercial services. The project will provide a lively mix of commercial retail uses and residential units; the provision of housing is necessary to provide alternative residential uses for the area and increase the housing stock for the City. The proposed development will provide greater opportunities to meet the different lifestyles and incomes of people living within the development and community.

WHEREAS, the City Council, after consideration of all testimony and reports, thereby determines that Belmont Zoning Ordinance Section 12.3.B (1-5) - Conceptual Development Plan (CDP) Findings - to establish a Planned Development (PD) Zone for the subject property and allow the proposed mixed-use (commercial/residential) building are made in the affirmative for the following reasons:

1. *That the total development in each individual unit therein can exist as an independent unit*

capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.

The proposed development can remain an independent project without disturbing neighboring uses, since the project will be conditioned through performance standards and adherence to mitigation measures required in the Mitigated Negative Declaration. The objective of the C/R Downtown Specific Plan designation and the C-2 zoning district is to encourage mixed use of commercial and residential in the downtown area. Further, the subject property is located in a targeted redevelopment area that promotes intensification of mixed use. The proposed development will provide needed residential housing and be compatible with existing uses in the neighborhood.

2. *That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.*

The location is served by a state highway and local streets, has easy access to mass transit (bus and CalTrain), and is connected to the Village Center and neighboring downtown area by pedestrian friendly sidewalks. On-site parking is adequate for the residential tenants of the proposed building and ample off-street parking is within walking distance for visitors and customers. The proposed use will not place an undue burden on existing transportation, utilities or services in the vicinity. The proposed use is served by two public streets, El Camino Real and O'Neill Avenue that are of capacity to carry the traffic generated by the proposed use.

3. *That any proposed commercial development can be justified economically at the locations proposed, to provide for adequate commercial facilities of the types proposed.*

The subject property is designated Commercial-Residential (C/R) by the DTSP which encourages mixed commercial/residential use. Also, the site is located within a targeted redevelopment area of the downtown and would be the first property in that area to implement an intensified land use which is in keeping with the intent of redevelopment objectives to stimulate economic growth and vitality and to provide more housing in the downtown area.

4. *That the economic impact created by the PD District can be absorbed by the City (police and fire service, water supply, sewage disposal, etc.).*

The proposed development will not significantly increase the City's costs in providing services to the project site, and the City will be able to absorb the economic impact created by the PD District. All service levels can be maintained to protect the public health, safety and welfare.

5. *That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of this Ordinance, that where an applicant's proposed off-street parking is less than that set forth by the standards of Section 8 of this Ordinance, circumstances are such that it would be a practical difficulty or create a physical hardship on the applicant for him to conform to the standards of Section 8.*

The proposed commercial/residential use building is located within a commercial area and on-street parking is available on El Camino adjacent to the site. In addition, the Caltrain parking lot is directly located across El Camino Real and public parking areas north of the site in the Village and Civic Center areas are located within easy walking distance from the site. A traffic impact analysis was conducted by Fehr & Peers in September 2006 which reports that the CalTrain parking lot was largely empty during field observations during the day. The site is also served by mass transit; bus service along El Camino Real, and by CalTrain that could alleviate the parking demand.

The objective of the C/R General Plan designation and the C-2 zoning district is to encourage mixed use of commercial and residential in the downtown area. Further, the subject property is located in a targeted redevelopment area that promotes intensification of mixed use. In order to meet these objectives, development of an intensified mixed use on the subject site reduces the amount of land area available for parking purposes. The applicant has addressed this practical difficulty by proposing a design solution that requires significant ground excavation (a physical hardship) in order to most effectively utilize the lot area with a below-grade parking garage.

The strict or literal interpretation and enforcement of the C-2 parking regulations for the proposed mixed commercial/residential use would constrain the redevelopment potential of the subject site. The proposed development is the first application for redevelopment in the envisioned “Firehouse Square” Redevelopment Area, and the associated MND found the parking impacts would be less than significant, largely due to the current availability and adequacy of existing nearby public parking to meet the parking demand of up to 25 off-site spaces required for the highest potential commercial use of the proposed new building. The proposed parking layout provides the maximum possible number of spaces that can be accommodated on-site that is within practical means.

WHEREAS, the City Council, after consideration of all testimony and reports, hereby approves the proposed Tentative Subdivision Map for the mixed-use (commercial/residential) building for the subject property based on the following findings required by Section 9.8 of the Belmont Subdivision Ordinance and Section 5.1 of the Belmont Zoning Ordinance:

A. *The proposed map is consistent with the applicable general and specific plans.*

The applicant proposes a new building with a commercial floor area of 4,517 square feet and a residential floor area of 13,747 square feet. Approval of the proposed Planned Development zoning for the mixed commercial/residential use of the site creates the following development standard for the project:

- FAR: Up to 0.6 for Commercial and up to 1.6 for Residential for the mixed-use project with commercial uses restricted to the entire ground floor. The associated maximum permitted floor area would be connected to the maximum FAR for the site.

The density (30 dwelling units per acre) for the project is consistent with the maximum permitted in the Downtown Specific Plan. In association with establishing a Planned Development for the site, General Plan consistency would be achieved for the project, and this finding is made in the

affirmative.

- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The design of the proposed Tentative Subdivision Map is consistent with the applicable goals and policies of the Downtown Specific Plan and General Plan. Approval of the Planned Development Rezoning for the site and associated Conceptual Development Plan (CDP), General Plan consistency is achieved for the project, and this finding can be made in the affirmative.

- C. The site is physically suitable for the type of development.*

The site is level, contains no protected trees or other environmental constraints, and is located in close proximity to the Village Center making it suitable for intensive mixed use development. The general area is pedestrian friendly and located close to the CalTrain station.

A geotechnical investigation was prepared for the project by PGSoils, Inc. in April 2006 and concluded that the project would be feasible from a geologic and geotechnical standpoint provided that the recommendations of the geotechnical study are implemented during building design and project construction phases of site development. The main geotechnical constraints for the construction of the proposed building and its basement would be the site's compressible clay soils and the existence of groundwater at or near the base of the basement excavation. A peer review (City Geologist) and concurrence with the findings of the PGSoils, Inc. report is a project condition of approval. Adherence to this condition would reduce the potentially significant geotechnical constraints to less than significant. The City Council believes this finding can be made in the affirmative.

- D. The site is physically suitable for the proposed density of development.*

The proposed six dwelling units comply with the maximum residential density of 30 units per acre (8,563 sf lot area divided by 1,450 = 5.9 or 6 units). The City Council believes this finding is appropriately made in the affirmative in concert with approval of the proposed Rezoning and Planned Development for the site.

- E. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.*

The subdivision will be required to comply with all mitigations outlined in the Mitigated Negative Declaration, the applicant's geotechnical report, and the City Arborist report. No substantial adverse impacts were identified as part of the environmental study for the project. The City Council believes this finding can be made in the affirmative.

- F. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

All public utilities can serve the proposed project, and the design will not cause serious public health problems. The project will be required to comply with all mitigations in the Mitigated Negative Declaration, conditions of project approval, and Uniform Building and Fire Codes. The City Council believes this finding can be made in the affirmative.

G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.

The proposed project will not conflict with existing easements. The street system is existing and no additional access is necessary. The Belmont/San Carlos Fire Authority and Public Works Department have reviewed and approved the circulation plan for the proposed project. The City Council believes this finding can be made in the affirmative.

Section 5.1 – Planned Unit Development Subdivisions – Finding

1. The Tentative Map conforms to the approved Detail Development Plan and shall constitute approval of any and all deviations from standards contained in this Ordinance.

As discussed earlier, the City Council believes all required findings can be made in the affirmative to establish a Planned Development and associated CDP for the site/project. The requested DDP is expected to essentially carry forward all approved development standards of the CDP. As such, the City Council believes that this finding is able to be made in the affirmative.

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

NOW, THEREFORE, BE IT FURTHER ORDAINED that the City Council of the City of Belmont approves the Conceptual Development Plan, Rezone to Planned Development, and Tentative Subdivision Map for construction of a new mixed-use (commercial/residential) building at 1300 El Camino Real, subject to the Performance Standards attached as Exhibit “A”.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance

with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2007.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2007.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

(EXHIBIT “A”) – ATTACHMENT II

PERFORMANCE STANDARDS
CONCEPTUAL DEVELOPMENT PLAN, REZONE TO PLANNED DEVELOPMENT,
AND TENTATIVE SUBDIVISION MAP
1300 EL CAMINO REAL (APPL. NO.PA2006-0012)

I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions:

Planning Division

1. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file in the subject file and date stamped February 6, 2007:
 - A. Minimum Lot Size. 8,563 square feet
 - B. Maximum Floor Area of Uses. Retail Commercial – 4,517 sq. ft., Residential – 13,747 sq. ft, Parking Garage/Ramp – 4,719 sq. ft. Entire PD – 22,983 sq. ft. Commercial uses are required on the entire ground floor. Commercial Office uses are prohibited on the ground floor.
 - C. Floor Area Ratio. Retail Commercial Uses - .527, Residential Uses – 1.605, Entire PD – 2.684 (including Parking Garage/Ramp)
 - D. Residential Density. A maximum of 6 residential units, equivalent to 30 dwelling units per acre.
 - E. Minimum Setbacks and Building Separations: Setbacks from the public right-of-way and separations between buildings shall be no less than shown on the plans date stamped February 6, 2007 in the subject file.
 - F. Maximum Building Height: 45-50 feet; Minimum height of the ground floor commercial space is 13-14 feet.
 - G. Off-Street Parking: At least 12 parking spaces in the parking garage.
 - H. Landscaping: Minimum of 1,362 sq. ft. of site area.
 - I. Open Space: Minimum of 617 sq. ft. on ground level and 600 sq. ft. for residential unit decks.

- J. Building Materials: The project shall include use of true materials, such as stucco, stone, wood, and/or glass.
2. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
 3. Exterior building lighting shall not spill off the property or cause significant glare for adjacent properties. All external project lighting shall be downcast or upcast, shielded lighting designed to illuminate entry-ways only, with no direct visibility of the light source from the street.
 4. Prior to issuance of building permits for the project, the applicant shall submit a full set of plans (as submitted for Planning Commission review) for peer review by the City Geologist who shall make findings as to concurrence with the PGSoils, Inc. Geotechnical Investigation dated April 2006 and as to additional conditions of project approval that may be imposed by the City Geologist to include, but not limited to, plan review by Geotechnical consultant during building permitting process and field inspection by Geotechnical consultant during construction as prescribed in the report.
 5. Prior to issuance of building permits for the project, the applicant shall submit a detailed analysis of acoustical requirements to ensure that interior noise levels of 45 dBA (CNEL) or less are achieved in all residential units and that outdoor areas are designed to achieve the City's exterior noise guideline of 65 dBA (CNEL) for the residential uses.
 6. Prior to the issuance of building permits for the project, the applicant shall submit a signage plan which shall be approved by the Planning Commission.
 7. Prior to issuance of building permits for the project, the applicant shall revised site plan and basement and ground floor layouts which shall be approved by Planning Commission, to include:
 - Bicycle parking near front entrance
 - Mirrors along ramp in parking garage, signage on Civic Lane and flashing lights for exiting vehicles onto Civic Lane to ensure safe ingress/egress of vehicles

8. Prior to issuance of building permits, the property owner shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that he/she has read, understands and agrees to these conditions of approval.
9. In accordance with the Belmont Zoning Ordinance, the permit(s) granted by this approval shall expire one (1) year from the date of approval, with said approval date indicated on the accompanying Planning Commission resolution. Any request for extension of the expiration date shall be made in accordance with the applicable provisions of the Belmont Zoning Ordinance.
10. In the event that this approval is challenged by a third party, the property owner and all assignees will be responsible for defending against this challenge, and agrees to accept responsibility for defense at the request of the City. The property owner and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising from the approval, including without limitation, any award of attorneys fees that might result from the third party challenge.
11. The applicant shall also contribute a Park-In-Lieu Fee as per Section 6.10 of the Belmont Subdivision Ordinance to fund improvement of existing or future park facilities within the City. The Park-In-Lieu fee amount shall be determined at recordation of the final map for the subdivision.

Building Division

1. Prior to any construction, the applicant or a designated representative shall obtain all of the required building permits for the project. Plans shall conform to approved plans and shall show building materials and color scheme.
 2. Plans shall show/provide for: building materials and color scheme, trash enclosures/mechanical equipment, signage height, detailed landscape and irrigation plan, property maintenance, CC & Rs, archeology finds, transformers, fire standpipes, and back flow preventers.
 3. Post hours of operation and phone numbers for noise complaints.
- II. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:
- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.

1. Street widening, improvements, and dedications shall be in accordance with City Standards and specifications as required by the Department of Public Works.
2. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
3. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
4. The unused driveway shall be removed and replaced with sidewalk, curb and gutter in accordance with Department of Public Works approved standards.
5. A commercial driveway approach shall be installed in accordance with Department of Public Works approved standards.
6. The boundaries of a FEMA special hazard flood zone shall be shown on the grading and drainage plan.
7. Roof leaders and site drainage shall be directed to the City Stormwater drainage system. A dissipater box or other energy reduction method shall be used.
8. The owner/applicant shall submit a sanitary sewage plan. Flows from the proposed development shall be estimated and their impact on the existing City collection system analyzed. Mitigation measures may be required to upgrade the City system.
9. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection (available from BASMAA @ 510-622-2465)).
10. To control concentrated flow, drainage from paved surfaces, including streets, parking lots, driveways, and roofs, shall be routed through swales (also known as vegetated channels), buffer strips, or sand filters prior to discharge into the storm drain system. Sand filters shall be inspected and cleaned on a biannual basis. The property owner or association shall be responsible for inspection and maintenance.
11. The developer shall incorporate the following Best Management Practices (BMPs) for stormwater quality protection into site design to the extent that conditions allow. (Refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection (available from BASMAA @ 510-622-2465):
 - a. For walking and light traffic areas, permeable pavements shall be used where feasible. Typical pervious pavements include pervious concrete, porous

asphalt, turf block, brick pavers, natural stone pavers, concrete unit pavers, crushed aggregate (gravel), cobbles and wood mulch.

- b. Parking lots shall include hybrid surfaces (pervious material for stalls only), concave medians with biofilters (grassy swales), and landscaped infiltration/detention basins as feasible.
 - c. The landscape design shall incorporate biofilters, infiltration and retention/detention basins into the site plan as feasible.
 - d. For outdoor work areas including garbage, recycling, maintenance, storage, and loading, applicable stormwater controls include siting or set back from drainage paths and water ways, and provision of roofing and curbs or berms to prevent run on and run off. If the area has the potential to generate contaminated run off, structural treatment controls for contaminant removal (such as debris screens or filters) shall be incorporated into the design.
- 12. New buildings such as food service facilities and/or multi-family residential complexes or subdivisions shall provide a roofed and enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal.
 - 13. Runoff from trash enclosures, recycling areas, and/or food compactor enclosures, or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. If any drains are installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities, the drains shall be connected to a grease removal device and/or treatment devices prior to discharging to the sanitary sewer.
 - 14. Submit subdivision plans in conformance with the Subdivision Map Act and City Subdivision Ordinance No. 530. Final plans shall be drafted in AutoCAD and submitted on CD-ROM.
 - 15. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, Pacific Bell, and AT&T Broadband cable TV that these utilities will provide service to the subdivision.
 - 16. The owner/applicant shall conduct a traffic study to analyze improvements to the existing traffic conditions need to mitigate additional traffic from the proposed development.
 - 17. The owner/applicant shall analyze the existing storm drain system from the property boundary to the outfall. On-site and off-site drainage facilities such as catch basins and storm drain pipes shall be designed to collect runoff from a storm of 10-year return frequency. Should any deficiency in this system be found that would be

affected by increased runoff from the project site, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.

18. The owner/applicant shall analyze the existing sewer system from the property boundary to the nearest pump station or main trunk line to determine its capacity to handle increased sewer flows from this development. Should any deficiency in this system be found, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
19. The applicant shall provide receptacles for recycling. Containers shall segregate glass, plastic and aluminum containers and paper. Property manager shall ensure these materials are recycled, such as by adding them to the regular recycle stream for on-site pick up by BFI or by returning them for redemption.
- B. The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions.
 1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
 2. Property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.
 3. All or a portion of the proposed improvements are located within a FEMA special flood hazard area. The applicant shall provide certification to the Public Works Department that the proposed construction meets all the FEMA requirements for construction within a flood zone.
 4. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.
 5. The owner/applicant shall submit a grading plan prepared by a California-registered Civil Engineer in accordance with City Grading Ordinance, Chapter 9, Section 3 of the City Code, with a grading permit application, for approval by the Department of Public Works and Building Division prior to any grading or clearing being performed on-site.

- a) The applicant should note that if the proposed grading meets one or more of the criteria outlined in Section 9-23 of the City Code, a Planning Commission review will be required. Caution: If the total grading quantity changes after Planning Commission approval, a new grading approval may be required. The applicant may choose to complete the grading plan and calculations early in the planning process to limit delays in scheduling this review. (See Section 9-28 of City Code for review process). The plan shall incorporate the following restrictions:
 - b) All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.
 - c) During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.
 - d) Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
 - e) Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.
6. The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary. The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled.
7. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.
8. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
9. Sanitary sewer to include a back flow prevention device.
10. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department to Public Works.
11. The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
 - a) A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately

- downstream of project; and designated construction access routes, staging areas and washout areas.
- b) Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and Sedimentation Control Field Manual (available from: Friends of the San Francisco Estuary, P.O. Box 791, Oakland, CA 94604-0791).
 - c) Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
 - d) Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
 - e) Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
 - f) Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
 - g) Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.
12. All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by applicant incorporating the conditions of this section.
13. The property owner shall install, operate, and maintain all permanent stormwater quality protection measures included in the approved project plan using qualified personnel. The property owner/applicant must keep a maintenance and inspection schedule and record to ensure that the treatment control measures continue to operate effectively. Records must be provided to the Department of Public Works, on an annual basis, on or before June 30 of each year.
14. The developer shall provide to the first residents/occupants/tenants practical information materials (as furnished by the City) on good housekeeping for hazardous products, proper use and disposal of hazardous products, and prohibited discharge practices.

15. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
 16. The property owner/association shall implement a trash management and litter control program including emptying trash receptacles in common areas, noting trash disposal violations by homeowners or business, and notifying violators.
 17. The phrase “No Dumping-Drains to Bay” or equal phrase shall be labeled on new storm drain inlets by stenciling, branding, plaque or casting.
 18. All on-site drain facilities must be inspected twice a year and cleaned immediately prior to the rainy season (prior to October 15) and once again during the rainy season. Results of inspection and cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year.
 19. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. Drains within the trash enclosure will be connected to the sanitary sewer system.
 20. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.
 21. The owner/applicant shall pay planned drainage fees in accordance with City ordinances.
 22. All utilities to each lot including, but not limited to, electric power, telephone, cable television, and street lights, shall be provided underground.
 23. The owner/applicant shall provide a traffic control plan for all construction staging and storage areas.
 24. The owner/applicant shall provide an evaluation of the need for the construction of additional street lighting on all streets fronting the property.
 25. The owner/applicant shall provide a plan showing all the site improvements and utility trench locations. The plan shall indicate the location of all the protected trees and protection fences on site. No utility trench shall encroach within the protection fence areas.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.

1. The property owner/applicant shall apply for and obtain an administrative permanent encroachment agreement from the Department of Public Works, for placement of non-standard materials (i.e., brick pavers) within the public right-of-way.
2. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
3. Failure to comply with any permit condition may result in a “Stop Work” order or other penalty.
4. A portion of the proposed work is within the State of California right-of-way. The applicant should contact the California Department of Transportation (Caltrans) to obtain an encroachment permit for this portion of the work.
5. The project includes construction or installation of stationary equipment that may cause air pollution. The applicant should contact the Bay Area Air Quality Management District (415-771-6000) to determine if an air quality permit is required.
6. “As-built” drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.
7. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.
8. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These include, but are not limited to, the following:
 - a. Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - b. Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
 - c. Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
 - d. Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
 - e. Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.

- f. Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
 - g. Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
 - h. Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
 - i. Limit construction access routes and stabilize designated access points.
 - j. Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
9. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.
10. The developer shall post maintenance bonds for all improvements to be dedicated to the City for a period of one year after the date of acceptance by the City.
11. The owner/applicant shall provide field survey data to permit retracing all survey monuments set to establish the street right-of-way both public and private. A copy of the final subdivision map including property liens, final contours, street improvements, parking, sewer and storm drains shall be provided using AutoCad drawing files (scale 1"= 2').
12. Applicant shall pay design review fees before submitting next set of plans.
13. Reconstruct wheel ramps at the intersection of El Camino Real and O'Neill Ave and on O'Neill at the alley per current ADA standards.
14. Repave alley along the frontage of the property per required standards. Provide engineering design for new structural pavement section improvement plans for the alley per current City standards. Correct drainage/traffic problem, if required.
15. Install brick pavers on sidewalk along the whole frontage of O'Neill Avenue per City standards. Replace broken portions of sidewalk on El Camino Real.

16. Maximum percentage driveway slope shall not exceed 18%.
17. Provide title report and show all easements on the drawing.
18. Property is located within flood zone. Show flood elevation and limit. Obtain FEMA certificates.
19. Show roadway improvements along the alley. Correct drainage problem if needed.
20. Applicant shall obtain a hauling permit. The hauling permit fee is based on the total amount of earth moved.
21. Connect storm drain pipe directly into the drain inlet on the street.

III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT/SAN CARLOS FIRE DEPARTMENT:

1. An approved automatic fire sprinkler system meeting the requirements of the South County Fire Protection Authority's current ordinance shall be provided.
2. Address numbers shall be illuminated and visible on all new buildings. Rear addressing is/may also be required. Size of lettering and illumination shall meet South County Fire standards.

IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT:

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street.
3. Flag persons shall be positioned at both ends of blocked traffic lanes.
4. 24-hour written notice to the Police Department is required before any lane closure.

Certification of Approved Final Conditions:

Carlos de Melo, Community Development Director

Date